

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:08-CR-00253-FDW-1**

**UNITED STATES OF AMERICA**

**vs.**

**TIMOTHY CHRISTENBURY,**

**Defendant.**


**ORDER**

THIS MATTER is before the Court on Order of the United States Court of Appeals for the Fourth Circuit (Doc. No. 35). During pendency of the appeal of his conviction and sentence (Doc. No. 26), Defendant died on or about July 24, 2010 while in the custody of the United States Marshals Service at Mecklenburg County Jail. (Doc. No. 31). It is hereby ORDERED that all proceedings against Defendant are hereby ABATED and that the Indictment be DISMISSED.

The Clerk is directed to certify copies of this Order to the U.S. Probation Office, the U.S. Marshals Service, Ms. Rahwa Gebre-Egziabher, Esq., and the United States Attorney's Office.

IT IS SO ORDERED.

Signed: September 21, 2010

  
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Frank D. Whitney  
United States District Judge

